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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia, Austria, Bulgaria, Denmark*, France, Hungary, Ireland*, Italy, Japan, Norway*, Poland, Slovenia*, Sweden*, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution

Situation of human rights in the territory of the former Yugoslavia: Violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Commission on Human Rights,

Mindful of its duty to promote and encourage respect for human rights and fundamental freedoms for all, and to prevent violations of such rights,

Dismayed by the continuing human tragedy in the Republic of Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Croatia, and by the massive and systematic violations of human rights, especially in Bosnia and Herzegovina, where whole populations remain victim to terrorization and harassment, particularly, though not

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

exclusively, on territory controlled by Bosnian Serb and Bosnian Croat forces, as documented in the reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/110),

Concerned also at continuing impediments to the full exercise of human rights and fundamental freedoms in the countries of the area, even in territories distant from armed conflict,

Moved by the horrible massacre at the Markale market of Sarajevo on 5 February 1994, and encouraged by the outpouring of international revulsion at it and the resulting renewal of the international community's determination to bring a peaceful, just and lasting resolution to the conflict in Bosnia and Herzegovina,

Repelled by the odious practice of "ethnic cleansing" whose principal victims are the Muslim population, carried out in particular by Bosnian Serbs as well as by Bosnian Croat extremists, and emphasizing the right of all its victims to return to their homes and the invalidity of territorial gains resulting from that practice, as well as of forced transfers of property and other acts under duress,

Deeply concerned that rape and other forms of inhuman and degrading treatment of women and children continue to be used as a deliberate instrument of war and "ethnic cleansing", particularly in the Republic of Bosnia and Herzegovina,

Dismayed by the huge number of missing persons still unaccounted for, particularly in Bosnia and Herzegovina and in the Republic of Croatia,

Deeply concerned about the situation of human rights in Serbia and Montenegro, particularly in Kosovo but also in the Sandjak and in Vojvodina,

Noting with special appreciation the continuing efforts of the Special Rapporteur and those under his direction,

Also noting with appreciation the report by the Secretary-General entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia", contained in document A/48/858 dated 29 January 1994,

Grateful as well for the work of the special mechanisms of the Commission on Human Rights and all those involved in the humanitarian relief effort, including the Office of the United Nations High Commissioner for Refugees, the

International Committee of the Red Cross, and the officers and men of the United Nations Protection Force (UNPROFOR), and encouraging the continuing

efforts of all who seek to bring about a peaceful resolution to the conflict, the International Conference on the Former Yugoslavia, its co-Chairmen and Steering Committee,

Recalling its resolutions 1993/7 and 1993/8 of 23 February 1993, 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992, General Assembly resolutions 48/143 and 48/153 of 20 December 1993 and the relevant resolutions of the Security Council,

Recalling also the decision adopted by the World Conference on Human Rights on 15 June 1993 to appeal to the Security Council to take the necessary measures to end the genocide taking place in Bosnia and Herzegovina,

1. Expresses its deep appreciation to the Special Rapporteur for his tenacity in fulfilling his mandate under the most trying circumstances, and for the light shed by his important reports, in particular his latest report (E/CN.4/1994/110);

2. Deplores and condemns the continual refusal of the Bosnian Serb authorities to permit the Special Rapporteur to conduct investigations in territory under their control;

3. Reaffirms the responsibility of all parties to the conflict to find peaceful solutions through negotiations and to protect fully human rights at all times;

4. Condemns categorically all violations of human rights and international humanitarian law by all sides and, while recognizing that primary responsibility for most of these violations is borne by the leadership in territory under Serb control and the political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro), notes that violations have been committed by all of the parties to the conflict;

5. Demands immediate, firm and resolute action by the international community to stop all human rights violations, including "ethnic cleansing" genocidal acts, rape and abuse of women as an instrument of war, strangulation of cities in Bosnia, shelling and killing of civilians, torture, arbitrary executions, and enforced and involuntary disappearances, to secure a just and lasting peace in Bosnia and Herzegovina, and to bring war criminals to trial;

6. Expresses alarm at the Special Rapporteur's findings that the influence of ultranationalist ideologies is growing, and that indoctrination and misinformation encourage national and religious hatred, and deplores

the fact that, in the climate of ultranationalism engendered by such indoctrination and misinformation, atrocities are being committed by all parties;

7. Denounces continued deliberate and unlawful attacks and uses of military force against civilians and other protected persons by all sides, recognizing that the primary though not the sole responsibility lies with the Serbian forces, and condemns particularly:

(a) The besieging of cities and other civilian areas, and the deliberate, murderous shelling thereof, particularly of the declared "safe areas";

(b) The systematic terrorization and murder of civilians and non-combatants;

(c) The destruction of vital services;

(d) The use of military force against relief operations;

(e) The intentional destruction of mosques, churches and other places of worship and the desecration of cemeteries;

(f) Other attacks upon civilians; and

(g) The forced conscription, by any party, of internally displaced persons and of refugees in disregard of their protected status;

8. Condemns anew the heinous acts identified by the Special Rapporteur as elements of "ethnic cleansing", and urges the international community to use all its influence on all the parties to the conflict, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro) and the authorities in those parts of Croatia and Bosnia and Herzegovina under Serbian control, as well as Croatian extremists in Bosnia and Herzegovina, to end "ethnic cleansing" immediately and to reverse its effects, recognizing especially the right of any victims to return to their homes and the invalidity of territorial gains resulting from that practice, as well as of forced transfers of property and other acts under duress;

9. Acknowledges the effort of some local authorities in areas under control of the Government of Bosnia and Herzegovina to avoid actions associated with "ethnic cleansing", as reported by the Special Rapporteur;

10. Reaffirms that the practice of "ethnic cleansing" should in no way be legitimized;

11. Condemns all deliberate impeding of the delivery of food, medical and other supplies essential for the civilian population, which can constitute a

serious violation of international humanitarian law, and of medical evacuations, and demands that all parties ensure that all persons under their control cease such acts;

12. Also condemns the attacks on and continuous harassment of the United Nations Protection Force and on personnel working with the UNHCR and other humanitarian organizations, which have caused injuries and deaths of those who seek to protect civilians and to deliver humanitarian assistance;

13. Expresses its deep concern at the traumatic impact of the armed conflict and resultant social upheaval on the children of the area, in both the short and the long term, as described in the Special Rapporteur's latest report;

14. Expresses its outrage that the systematic practice of rape continues to be used as a weapon of war against women and children and as an instrument of "ethnic cleansing", and recognizes that rape in these circumstances constitutes a war crime;

15. Welcomes the assistance which has been provided to the victims of such rape and abuse for their physical and mental rehabilitation and urges States, local communities, and relevant intergovernmental and non-governmental organizations to provide further assistance as required;

16. Also welcomes the establishment of the International Tribunal for prosecuting serious violations of international humanitarian law committed in the territory of the former Yugoslavia pursuant to Security Council resolution 827 (1993) of 25 May 1993, and urges that all States provide all necessary and appropriate support to the Tribunal;

17. Reaffirms that all persons who perpetrate or authorize violations of international humanitarian law are individually responsible and accountable, and that the international community will exert all efforts to bring them to justice in accordance with internationally recognized principles of due process;

18. Urges the Special Rapporteur, all United Nations bodies, including the United Nations Protection Force and the United Nations human rights treaty bodies, specialized agencies, Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Prosecutor of the International Tribunal and to provide him on a continuing basis with all relevant and accurate information in their possession related to his task;

19. Urges all States and responsible authorities to cooperate with the efforts of the International Tribunal, including by the provision of substantiated information and the apprehension of persons accused of violations of international humanitarian law for trial in cooperation with the Tribunal and in accordance with internationally accepted norms of due process;

20. Commends the efforts of the Commission of Experts established pursuant to Security Council resolution 780 (1993), to examine and analyse evidence of violations of international humanitarian law, and of those States, United Nations bodies, specialized agencies and organizations that have provided pertinent information to the Commission of Experts;

21. Demands the immediate internationally-supervised release of all persons arbitrarily or otherwise illegally detained and the immediate closure of all places of detention not authorized by and in compliance with the Geneva Conventions of 12 August 1949;

22. Reiterates its demand that all parties immediately notify the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention, and that there be immediate, unimpeded and continued access to such places by the International Committee of the Red Cross, the Special Rapporteur and other relevant international and regional organizations;

23. Urges all parties, and in particular the Governments of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate in determining the fate of thousands of missing persons by disclosing all information and documentation in order finally to locate such persons and alleviate the suffering of their relatives;

24. Notes with interest the proposal contained in the report on the visit to former Yugoslavia of a member of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26/Add.1), to establish a special procedure concerning the question of enforced disappearances in the territory of the former Yugoslavia under the joint responsibility of a member of the Working Group and the Special Rapporteur;

25. Expresses its grave concern at the deteriorating human rights situation in the Federal Republic of Yugoslavia (Serbia and Montenegro), particularly in Kosovo, as described by the Special Rapporteur, and again condemns the violations of human rights occurring there;

26. Strongly condemns in particular the measures and practices of discrimination against and the violations of the human rights of the ethnic Albanians of Kosovo, as well as the large-scale repression committed by the Serbian authorities, including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and discrimination in the administration of justice, which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

(b) The exclusion of ethnic Albanians from positions in the police and in the judiciary, as well as from professional, administrative and other skilled positions in State-owned enterprises and public institutions, including teachers from the Serb-run school system, and the closure of the Albanian university and high schools;

(c) Arbitrary imprisonment of ethnic Albanian journalists, the closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

(d) Repression by the Serbian police and military;

27. Demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo and declares that the best means to prevent the possible escalation of the conflict is to safeguard human rights, restore the autonomy of Kosovo and to establish democratic institutions in Kosovo;

28. Expresses its grave concern at the Special Rapporteur's reports of violations of human rights in the Sandjak, including physical harassment, abductions, the burning of homes, warrantless searches, confiscations and other practices intended to change the ethnic structure in favour of the Serbian

population, and in Vojvodina, while commending the courage and sacrifice of many Serbs who refuse to take part in such violations;

29. Urges all parties in Serbia and Montenegro, particularly in Kosovo, the Sandjak and Vojvodina, to engage in a substantive dialogue, inter alia under the auspices of the International Conference on the Former Yugoslavia, and to act with the utmost restraint and settle disputes with full respect for human rights, and calls on the Serbian authorities to prevent extension of the conflict by refraining from the use of force and by respecting fully the rights of persons belonging to minority groups;

30. Demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) permit entry into Kosovo, the Sandjak and Vojvodina of United Nations observer missions and field officers of the Special Rapporteur and resumption of the missions of long duration of the Conference on Security and Cooperation in Europe;

31. Expresses its continued concern that, despite the considerable decrease in violations of international humanitarian law in the Republic of Croatia, there continue to be serious human rights violations and patterns of discriminatory treatment against minority groups, as well as arbitrary practices on the part of the Croatian authorities;

32. Condemns the continuation of "ethnic cleansing" in areas under the control of the self-proclaimed Serbian authorities in the United Nations Protected Areas and the continued shelling of civilian areas, especially in the vicinity of the Dalmatian coast;

33. Notes with interest the observations of the Special Rapporteur regarding the human rights situation in the Former Yugoslav Republic of Macedonia, in particular his conclusion that mutual understanding and trust among all citizens of that Republic, regardless of their ethnic origin, is an essential condition for the enjoyment of human rights in that country, and decides to continue to monitor developments there;

34. Notes with appreciation the observations of the Special Rapporteur regarding the further improvement of the human rights situation in the Republic of Slovenia and decides that the Republic of Slovenia should be excluded from the mandate of the Special Rapporteur;

35. Notes with concern that many of the Special Rapporteur's past recommendations have not been fully implemented, in some cases because of resistance by the parties on the ground, and urges the parties, all States and relevant organizations to give immediate consideration to them, in particular the Special Rapporteur's calls:

(a) For the opening of humanitarian relief corridors to prevent death and deprivation of the civilian population, and to open Tuzla airport to relief deliveries;

(b) For the provision of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, and for coordination by all concerned in support of the social integration of child victims;

(c) For more generous international assistance to refugees fleeing the conflict, and to the States which receive them;

(d) For increased support to initiatives to assist persons displaced by the conflict, with attention to the special needs of urban families and orphans, and

(e) For the creation of a voluntary fund to provide economic and social aid to assist the reconstruction of destroyed villages and towns;

36. Recommends that there be a human rights component in any internationally negotiated arrangements for Bosnia and Herzegovina and that implementation of such a component be conducted in close cooperation with the Special Rapporteur and the Centre for Human Rights;

37. Decides to extend the mandate of the Special Rapporteur for one year, and requests that he continue his efforts, especially by carrying out all such further missions as he deems necessary, and that he continue to submit periodic reports, as appropriate, on the implementation of the present and other relevant human rights resolutions to the Commission and the General Assembly, and to request the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the International Conference on the Former Yugoslavia;

38. Requests the Secretary-General to take steps to assist in obtaining the active cooperation of all United Nations bodies to implement

the present resolution and, pursuant to paragraph 27 of General Assembly resolution 48/153, to provide the Special Rapporteur, within the overall budgetary framework of the United Nations, with additional resources and all other necessary assistance to enable him to fulfil his mandate, in particular, to provide for the appointment of field staff in Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) to provide first-hand, timely reports on the situation of human rights there;

39. Decides to remain seized of this matter.

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy, Japan, Liechtenstein*, Luxembourg*, Netherlands, Norway*, Portugal*, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its relevant resolutions, including the most recent, resolution 1993/62 of 8 March 1993, as well as those of the General Assembly, including the most recent, resolution 48/145 of 20 December 1993, and those of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1993/14 of 20 August 1993,

Noting that the Government of the Islamic Republic of Iran has responded to the Special Representative's request for information concerning allegations of human rights violations in that country but did not allow him to pay a fourth visit to the country so that he might obtain direct and first-hand information on the current human rights situation,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Recalling that in its resolution 1993/62 it requested the Special Representative to submit a report on the situation of human rights in the Islamic Republic of Iran to the Commission at its fiftieth session,

Noting the observation of the Special Representative that there is enough evidence to show that it is entirely proper for the human rights situation in the Islamic Republic of Iran to remain under international scrutiny,

Noting also that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/14, condemned the continuing flagrant violations of human rights in the Islamic Republic of Iran,

Noting further the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran,

1. Takes note with appreciation of the final report of the Special Representative of the Commission and the observations contained therein (E/CN.4/1994/50);

2. Expresses its deep concern at continuing reports of violations of human rights in the Islamic Republic of Iran;

3. Expresses its concern more specifically at the main criticisms of the Special Representative with regard to the human rights situation in the Islamic Republic of Iran, namely, the high number of executions, cases of torture and

cruel, inhuman or degrading treatment or punishment, the standard of the administration of justice, the absence of guarantees of due process of law, discriminatory treatment of certain groups of citizens for reason of their religious beliefs, notably the Baha'is whose existence as a viable religious community in the Islamic Republic of Iran is threatened, as well as the ill-treatment of certain Christians and restrictions on the freedoms of expression, thought, opinion and the press, and that, as noted by the Special Representative, there is continued discrimination against women;

4. Expresses its grave concern at continued use of the death penalty which the Special Representative had described as excessive;

5. Also expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, whose case is mentioned in the report of the Special Representative, as well as to individuals associated with his work, which have the support of the Government of the Islamic Republic of Iran;

6. Urges the Government of the Islamic Republic of Iran to refrain from activities such as those mentioned in the report of the Special Representative against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

7. Regrets that the Government of the Islamic Republic of Iran has still not permitted the Special Representative to visit the country in order to enable him fully to discharge his mandate by according him full cooperation;

8. Urges the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Calls upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his observations, in particular as regards the administration of justice and due process of law;

10. Also calls upon the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its

territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

11. Endorses the view of the Special Representative that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

12. Decides to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year;

13. Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative, including allowing him to make another visit to the country;

14. Requests the Special Representative to submit an interim report to the General Assembly at its forty-ninth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and to report to the Commission at its fifty-first session;

15. Requests the Secretary-General to give all necessary assistance to the Special Representative;

16. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran, as a matter of priority, at its fifty-first session.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Hungary, Ireland*, Italy, Japan, Kuwait*, Liechtenstein*, Luxembourg*, Netherlands, Norway*, Portugal*, Spain*, Switzerland*, and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action, as endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular part I, paragraph 1 which reaffirms, inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming that all Member States have the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights,

Recalling Security Council resolution 588 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Recalling in particular its resolution 1991/74 of 6 March 1991, in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling further its pertinent resolutions condemning the flagrant violations of human rights by the Government of Iraq, including resolution 1992/71 of 5 March 1992, by which it extended the mandate of the Special Rapporteur for a further year and requested him in pursuing his mandate to visit again the northern area of Iraq, in particular, and to submit an interim report to the General Assembly at its forty-seventh session and a final report to the Commission at its forty-ninth session, as well as resolution 1993/74 of 10 March 1994, in which it extended the mandate of the Special Rapporteur for a further year,

Recalling General Assembly resolution 46/134 of 17 December 1991, in which the Assembly expressed its deep concern at the flagrant violations of human rights by the Government of Iraq, 47/145 of 18 December 1992 and 48/144 of 20 December 1993, in which the Assembly decided to continue its consideration of the situation of human rights in Iraq at its forty-ninth session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council,

Deeply concerned by the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions,

torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process and the rule of law and of freedom of thought, of expression and of association, as well as the existence of specific and serious discrimination within the country in terms of access to food and health care,

Urging the Government of Iraq to comply with the Geneva Protocol of 17 June 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare,

Deeply concerned at the forced displacement of hundreds of thousands of Kurds and at the destruction of Iraqi towns and villages,

Deeply concerned also that the severe and grave violations of human rights by the Government of Iraq have led to a deterioration of the situation of the civilian population in southern Iraq, in particular in the southern marshes,

Regretting that the Government of Iraq has not seen fit to respond to the formal request of the Special Rapporteur on the situation of human rights in Iraq to visit Iraq and that, despite the formal cooperation extended to the Special Rapporteur by the Government of Iraq, such cooperation needs to be improved, in particular by giving full replies to the many questions the Special Rapporteur put to the Government of Iraq in previous years,

Expressing concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcoming the Special Rapporteur's repeated proposals for the deployment of a team of human rights monitors and for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in Iraq,

1. Takes note with appreciation of the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1994/58) and the conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights, of the gravest nature, for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and wide spread terror, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and mass graves throughout Iraq, extrajudicial killings, including political killings, in southern Shia centres and in the southern marsh area;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, including of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(d) Suppression of freedom of thought, expression and association and violations of property rights;

(e) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic rights of the population;

3. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights as well as to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

4. Demands that the Government of Iraq restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

5. Calls upon the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States;

6. Urges the Government of Iraq to set up an independent commission of inquiry and to take all necessary steps to cooperate closely with the Working Group on Enforced or Involuntary Disappearances to look into the fate of tens of thousands of disappeared persons;

7. Also urges the Government of Iraq to take immediate steps to bring the action of its security apparatus into line with the standards of international

law, in particular those of the International Covenant on Civil and Political Rights;

8. Demands that the Government of Iraq:

(a) In fulfilment of its obligation pursuant to article 27 of the International Covenant on Civil and Political Rights, take steps to ensure the recognition and enjoyment of human rights of persons belonging to minorities;

(b) Immediately cease its periodic shelling of agricultural lands belonging to Iraqi Kurds, cooperate in the identification of minefields with a view to facilitating their marking and eventual clearing, cooperate with international aid agencies in the provision of humanitarian assistance to the northern Kurdish region and take steps towards the lifting of the embargo;

(c) In relation to the southern marsh area and its Marsh Arab population, implement the recommendations made by the Special Rapporteur in his interim report to the General Assembly at its forty-eighth session (A/48/600, para. 82);

9. Further expresses its special alarm at all internal embargoes which permit essentially no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to remove them and to take such steps as to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

10. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

11. Requests the Secretary-General, in consultation with the Special Rapporteur, to take the necessary measures in order to send human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq;

12. Decides to extend for a further year the mandate of the Special Rapporteur as contained in commission resolutions 1991/74, 1992/71 and 1993/74;

13. Urges the Government of Iraq to accord its full cooperation to the Special Rapporteur, notably during his next visit to Iraq;

14. Requests the Special Rapporteur to report periodically to the Commission on Human Rights on the situation of human rights in Iraq, and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its forty-ninth session and a report to the Commission at its fifty-first session;

15. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the sending of human rights monitors;

16. Also requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance in performing his task;

17. Decides to continue its consideration of the situation of human rights in Iraq, under the same agenda item, at its fifty-first session.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Belgium*, Denmark*, France, Germany, Greece*, Ireland*, Italy, Luxembourg*, Netherlands, Norway*, Portugal*, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in China

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field, as most recently reaffirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Taking note of some recent positive developments in the situation of human rights in China, including the most recent release of some political prisoners, and steps toward beginning reform of the Chinese legal system,

Concerned, however, at the continuing reports of violations of human rights and fundamental freedoms in China, as well as inadequate protection of the distinct cultural, religious and ethnic identity of the Tibetans and of other persons belonging to minorities,

Taking note of the reports of the Special Rapporteurs on the question of torture (E/CN.4/1994/31), extrajudicial, summary or arbitrary executions (E/CN.4/1994/7) and on the question of religious intolerance (E/CN.4/1994/79), as well as the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26),

1. Expresses concern over continuing reports of violations of human rights and fundamental freedoms in China, including torture, and severe restrictions on the rights of freedom of expression, religion, assembly, association and to a fair trial;

2. Calls upon the Government of the People's Republic of China to take further measures to ensure the full observance of all human rights, including the rights of women;

3. Invites the Government of the People's Republic of China to continue to cooperate with all special rapporteurs and working groups;

4. Requests the Secretary-General to bring the present resolution to the attention of the Government of the People's Republic of China and to prepare a report for the Commission on Human Rights at its fifty-first session on the situation of human rights in China on the basis of available information, including the reports of the Special Rapporteurs, Working Groups and treaty bodies, as well as any other relevant information.